

Mayer Brown LLP
71 South Wacker Drive
Chicago, IL 60606
United States of America

T: +1 312 782 0600
F: +1 312 701 7711

mayerbrown.com

October 18, 2024

BY ECF

Hon. Ronnie Abrams
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Jordan Sagalowsky
Partner
Mayer Brown LLP
T: (212) 5062500
F: (212) 2621910
jsagalowsky@mayerbrown.com

Re: McGee v. The 3M Company, et al.
(Case No. 1:24-cv-07670-RA)

Dear Judge Abrams:

I am counsel to Defendant 3M Company (“3M”) in the above-captioned action. I write with the consent of Plaintiffs to respectfully request a stay of this proceeding pending an order of transfer to the *In re Aqueous Film-Forming Foams Products Liability Litigation* multi-district litigation (“AFFF MDL”), MDL No. 2:18-mn-2873-RMG (D.S.C.). All parties expect this action to be transferred within the next several weeks to the AFFF MDL. As discussed below, we submit that a conference with Your Honor at this juncture likely would be an inefficient use of the Court’s and the parties’ respective time and resources.

On October 11, 2024, 3M filed with the Judicial Panel on Multidistrict Litigation (“JPML”) a Notice of Potential Tag-along Actions identifying this case as appropriate for inclusion in the AFFF MDL. Plaintiffs in this case expressly assert AFFF claims against the Defendants (see, e.g., Compl. ¶ 1), and on October 18, 2024, the JPML Clerk issued a Conditional Transfer Order (“CTO”) for transfer of this case to the District of South Carolina under 28 U.S.C. § 1407. Ex. A (CTO). Under JPML Rule 7.1, once a CTO is issued, the JPML Clerk “shall not send the order to the clerk of the transferee district court until 7 days after its entry” to allow time for any party to oppose transfer, and any party opposing transfer must file a notice of opposition within 7 days of issuance of the CTO. Because none of the parties oppose the transfer of this action to the AFFF MDL, the parties anticipate that the transfer will be finalized by the JPML approximately one week from October 18, 2024.

Accordingly, the parties respectfully submit that, in light of the virtually certain transfer of this case to the AFFF MDL within the next few weeks, it would be inefficient and a waste of judicial resources to hold an initial status conference or otherwise continue with this proceeding at this juncture. The parties will, of course, keep the Court apprised of any further direction or orders from the JPML concerning the transfer of this case.

We thank the Court for its time and attention to this matter.

Hon. Ronnie Abrams
October 18, 2024
Page 2

Respectfully submitted,

/s/Jordan Sagalowsky
Jordan Sagalowsky
MAYER BROWN LLP
1221 Avenue of the Americas
New York, New York 10020
T: +1 212 506 2500
F: +1 212 262 1910
jsagalowsky@mayerbrown.com

Attorney for Defendant 3M Company

/s/Patrick J. Lanciotti
Patrick J. Lanciotti
Andrew W. Croner
NAPOLI SHKOLNIK PLLC
360 Lexington Avenue, 11th Fl.
New York, New York 10017
T: +1 212 397 1000
F: +1 646 843 7603
acroner@napolilaw.com

Attorney for Plaintiffs

Application granted. This action is hereby stayed pending an order of transfer to the *In re Aqueous Film-Forming Foams Products Liability Litigation* multi-district litigation, MDL No. 2:18-mn-2873-RMG (D.S.C.). In the event that transfer is not finalized, the parties shall submit a joint status report to the Court no later than November 18, 2024.

SO ORDERED.



Hon. Ronnie Abrams
October 21, 2024